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Secretary for
Environmental Protection



Department of Toxic Substances Control

Maureen F. Gorsen, Director
9211 Oakdale Avenue
Chatsworth, California 91311



Arnold Schwarzenegger
Governor

RESPONSE TO COMMENTS

FOR THE

HAZARDOUS WASTE FACILITY PERMIT

RHO-CHEM LIMITED LIABILITY CORPORATION (LLC)
425 ISIS AVENUE,
CITY OF INGLEWOOD, CALIFORNIA 90301

On April 7, 2008, the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) public noticed the start of a 45-day public comment period to solicit comments on the draft Hazardous Waste Facility Permit (draft Permit) and the draft Negative Declaration (ND) for the Rho-Chem LLC Facility (Rho-Chem Facility).

During the public comment period which ended on May 21, 2008, DTSC received six written comments on the draft Permit and draft ND from the community, interested groups, and public agencies. No comments were received from the public hearing held on May 7, 2008 at the Inglewood City Community Hall. DTSC has considered all the comments and prepared a response to each of these comments. The comments and responses are incorporated as part of the final Permit and final ND.

The final Permit, public hearing transcripts, copies of all written comments and other documents can be found at the DTSC's Chatsworth Office File Room located at 9211 Oakdale Avenue, Chatsworth, California 91311, (818) 717-6521; and at the City of Inglewood Public Library located at 101 W. Manchester Boulevard, Inglewood, California 90301, (310) 412-5380..

**A. COMMENTS RECEIVED FROM THE COMMENT FORM AND MAILING COUPON DATED
MAY 21, 2008:**

COMMENT No. A-1

The following is a written comment from All Ways Painting:

We are a painting company and we use their services. Please re-instate permit.

RESPONSE A-1:

DTSC has approved the renewal application for the Hazardous Waste Facility Permit for the Rho-Chem Facility for continuing its hazardous waste management activities at the Facility.

COMMENT No. A-2

The following is a written comment from Jack Karp:

I support the application of Rho-Chem LLC to increase the storage capacity to 89,650 gallons.

The industrial base in Los Angeles County requires support and service organizations to facilitate their continuing business operations. Rho-Chem is part of the important element of providing support services to industrial users to permit them to remain in Southern California. The various industries in Los Angeles County provide employment. Full employment is the basis of a healthy economy.

My recommendation is based on the assumption that Rho-Chem will comply with all safety and environmental requirements and use best Practices.

RESPONSE A-2:

DTSC has approved the renewal application for the Hazardous Waste Facility Permit for the Rho-Chem Facility for continuing its hazardous waste management activities at the Facility.

COMMENT No. A-3:

The following is a written comment from Gwendolyn Eng representing ATSDR Region IX:

Please remove from any and all mailing lists that you maintain.

RESPONSE A-3:

DTSC has removed your name from the existing mailing list.

COMMENT No. A-4:

The following is a written comment from Metal Window Corp:

Please keep us informed.

RESPONSE A-4:

A radio announcement and a public notice were released to advise the public of the comment period for the proposed Permit in the Inglewood Newspaper on April 3, 2008, and La Opinion Newspaper and the radio on April 7, 2008. A mailing list was established consisting of elected officials, government agencies, community persons, and other interested parties.

A fact sheet announcing the public comment period was sent to all individuals on the mailing list. We are adding your name to the Rho-Chem mailing list and will inform you of any activities at this Facility that require public participation.

B. COMMENT DATED April 16, 2008:

The following is a written comment from Dave Singleton representing Native American Heritage Commission:

COMMENT No. B:

The Native American Heritage Commission is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations {15064.5 (b)(c) [CEQA guidelines]}. Section 15382 of the 2007 CEQA Guidelines defines a condition within an area affected by the proposed project, including objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part of the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.

- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site location, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

- √ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section:
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5. (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provision for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

- √ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave items.

- √ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandates procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the

county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety code states that disturbance of Native American cemeteries is a felony.

- √ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation.

RESPONSE B:

DTSC has complied with the applicable requirements of the California Environmental Quality Act (CEQA) Guidelines. DTSC has reviewed the relevant information and conducted a culture resources evaluation, as discussed in Item 5 of the Initial Study, dated April 2, 2008, for the Rho-Chem Facility permit renewal project.

The Rho-Chem Facility has been graded and covered in asphalt and concrete. The proposed project will affect only a few hundred square feet of the Facility which is already covered by concrete. It is located in a primarily industrial area. No known unique ethnic cultural values or cultural resources have been observed or otherwise been reported at the Facility. There are no bedrock exposures on-site and the fluvial nature of the underlying geological materials obviates the likelihood of any paleontological resources. There are no reported unique ethnic cultural values, archeological resources or cultural/ paleontological resources at the Facility. The Facility is not on the historical properties/buildings list pursuant to the Office of Historic Preservation, and the Facility is not on the archeological resources list pursuant to electronic information provided through the California Native American Heritage Commission and Office of Historic Preservation. This proposed project will not have an adverse change in the significance of a historical resources or archeological resource as defined in CEQA Guidelines section 15064.5.

The Facility lies within the ancestral lands of the Gabrielino/Tongva which stretch from Topanga Canyon in Los Angeles County through Aliso Creek in Orange County. The Facility does not lie on or near any reported sites of sacred importance to the Gabrielenos. The location has been previously disturbed extensively because 30 or more underground tanks were removed. No further excavation of any part of the Facility is proposed as part of this project. The project involves a permit renewal with minor construction of a proposed roll-off bin storage area that will be converted from the existing paved product tank farm area.

The project will not have impacts that are individually limited but cumulatively considerable. In other words, the incremental effects of an individual project are not considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Therefore, DTSC has already addressed the concerns raised in this comment and there is no need to revise the Initial Study and the draft Negative Declaration.

C. COMMENT DATED MAY 16, 2008:

The following is a written comment from Pramod Tendulkar representing RHO-CHEM LLC:

COMMENT No. C:

Please refer to the following text from the NFPA journal applicable for storage of flammable and combustible liquids stored in relieving type steel drums in protected areas (with sprinkler system) two drum high:

“Specific design criteria for sprinkler systems protecting palletized and rack storage of flammable and combustible liquids were first introduced into NFPA 30, Flammable and Combustible Liquids Code, in the 1996 edition, which detailed provisions for protecting 55-gallon (208-liter) nonrelieving-style steel drums stacked one drum high. **It also provided guidelines for protecting 55-gallon (208-liter) relieving—style steel drums stacked two high.** These criteria, which appear in Section 4-8, were derived from the results of 85 full-scale, sprinkled fire tests conducted using 5-gallon (19-liter), relieving-style containers filled with Heptane and 55-gallon (208-liter) non-relieving-style steel drums filled with 1,2”.

NFPA 30 classifies containers equipped with at least one pressure—relieving-mechanism, including plastic plugs, as relieving-style containers and considers them preferable to non-relieving-style containers because they relieve internal pressure before the container fails. In all reported fire tests involving relieving-style containers, there hasn't been a single violent rupture with an accompanying fireball. These are the typical containers (bung style with relieving cap) required to meet DOT Shipping requirements for hazardous materials. If a storage arrangement of flammable and combustible liquids and its protection meet the sprinkler design criteria of NFPA 30 or is accepted by the authority having jurisdiction (AHJ) as being equivalent

To the criteria, it is considered a “Protected”, rather than an “un-protected”. Commodity, a concept that also was introduced in the 1996 edition of NFPA.

Based on the above, the Inglewood Fire Department has reviewed the fire extinguisher system at the Rho Chem LLC Facility and has approved the fire system as meeting the criteria to be acceptable as a “protected” system and therefore approved, as the authority having jurisdiction, the storage of Class I, II and III flammable liquids in the liquid warehouse for double stacking of drums”.

We feel that the additional level of safety provided by the fire protection system at the Rho Chem, LLC facility warranted this approval and the present paragraph “UNIT SPECIFIC SPECIAL CONDITIONS” on page 19 of the draft permit should therefore be replaced with:

UNIT SPECIFIC SPECIAL CONDITIONS:

The Permittee shall not stack any container on top of another container in Area G-1 sampling area.

The Permittee shall store ignitable hazardous waste only in 55-gallon or smaller containers in Area G-2, at least 50 feet from the facility property boundary. Class I, II and III Flammable Liquids may be stacked 2 drums high in Area G-2 in accordance with the provisions of the National Fire Protection Association (NFPA 30) Flammable Liquids Code for protected systems (Sprinkler systems with relieving style containers).

RESPONSE C:

DTSC has reviewed the supporting documents provided by the Rho-Chem Facility. As indicated by the Facility, the fire sprinkler system installed in Area-G of the liquid warehouse has been inspected and approved by the Los Angeles County Fire Department and the containers used to store flammable liquid wastes are equipped with pressure relieving mechanism, i.e. plastic plugs.

DTSC has revised the Special Conditions for Area G-1 and G-1 as follows:

The UNIT SPECIFIC SPECIAL CONDITIONS for Unit No. 7, Area G. Container Storage in Part IV of the Permit has been revised as follows:

- (a) The Permittee shall store ignitable hazardous waste only in 55-gallon or smaller containers in Area G-2, at least 50 feet from the facility property boundary.
- (b) The Permittee shall not stack any container on top of another container in Area G-1 Sampling Area.
- (c) The Permittee may store containers up to two containers high for Class I, II, and III flammable liquid wastes in Area G-2 in accordance with the provisions of the National Fire Association (NFPA 30) Flammable Liquids for protected systems (e.g. sprinkler system with relieving style containers).